

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONY HOBSON,

Petitioner,

v.

JERRY HOWELL, *et al.*,

Respondents.

Case No. 2:20-cv-00503-KJD-NJK

ORDER

This action is a petition for writ of habeas corpus by Tony Hobson, a Nevada prisoner. The Court received Hobson's habeas petition (ECF No. 1-1), along with an application to proceed *in forma pauperis* (ECF No. 1) and a motion for appointment of counsel (ECF No. 1-4), on March 11, 2020. In an order entered on April 17, 2020 (ECF No. 3), the Court denied Hobson's application to proceed *in forma pauperis* and ordered him to pay the filing fee. Hobson paid the filing fee on May 20, 2020 (ECF Nos. 4, 5).

Therefore, the Court has examined Hobson's habeas petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases. The Court will direct the Clerk of the Court to serve the petition on the respondents.

Hobson filed, with his petition, a motion for appointment of counsel (ECF No. 1-4). "Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam). The court may, however, appoint counsel "if the interests of justice so require." See 18 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254 Cases;

1 *Chaney*, 801 F.2d at 1196. The Court determines that, in the interests of justice,
2 appointment of counsel is warranted in this case.

3 **IT IS THEREFORE ORDERED** that the Clerk of the Court is directed to separately
4 file the petition for writ of habeas corpus (ECF No. 1-1), and the motion for appointment
5 of counsel (ECF No. 1-4).

6 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to add Aaron
7 D. Ford, Attorney General of the State of Nevada, as counsel for the respondents.

8 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to
9 electronically serve upon the respondents a copy of the petition for writ of habeas
10 corpus and a copy of this order.

11 **IT IS FURTHER ORDERED** that the respondents will have 20 days from the date
12 of this order to appear in this action. Respondents will not be required to respond to the
13 habeas petition at this time.

14 **IT IS FURTHER ORDERED** that Petitioner's Motion for Appointment of Counsel
15 (ECF No. 1-4) is **GRANTED**. The Federal Public Defender for the District of Nevada
16 (FPD) is appointed to represent the petitioner. If the FPD is unable to represent the
17 petitioner due to a conflict of interest or other reason, then alternate counsel will be
18 appointed. In either case, counsel will represent the petitioner in all federal-court
19 proceedings relating to this matter, unless allowed to withdraw.

20 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to
21 electronically serve upon the FPD a copy of this order, together with a copy of the
22 petition for writ of habeas corpus (ECF No. 1-1).

23 **IT IS FURTHER ORDERED** that the FPD will have 20 days from the date of this
24 order to file a notice of appearance, or to indicate to the Court its inability to represent
25 the petitioner in this case.

26 ///

27 ///

28 ///

1 **IT IS FURTHER ORDERED** that the Court will establish a schedule for further
2 proceedings in this action after counsel appear for the petitioner and the respondents.

3
4 DATED THIS 22nd day of May, 2020.

5
6 

7 _____
8 KENT J. DAWSON,
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28